

Early, Dianti v. Mays, John (Officer)

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

DIANTI EARLY,)
)
Plaintiff,)
) CIVIL ACTION FILE
vs.)
) NO. 1:22-cv-00816-SCJ
OFFICER JOHN MAYS,)
Individually, as an officer)
of the UNION CITY POLICE)
DEPARTMENT,)
Defendant.)

The deposition of FRANCISCO CEDENO, taken pursuant to the stipulations contained herein; the reading and signing of the deposition reserved, before Charlene M. Hansard, B-2341, Certified Court Reporter, commencing at 12:16 p.m., on Tuesday, November 8, 2022, at 100 Habersham Drive, Fayetteville, Georgia.

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A P P E A R A N C E S

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Legend of the Transcript:

(sic)	Exactly as said
(phonetic)	Exact spelling unknown
. . .	Trailing off or did not complete thought
--	Break in speech continuity
uh-huh	Affirmative
uh-uh	Negative

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PLAINTIFF'S EXHIBITS

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Exhibit 2	Investigation Report Case No.	12
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(Originally marked exhibits attached to the
original of the deposition and a copy attached
to all copies produced.)

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P R O C E E D I N G S

(12:16 p.m.)

(Whereupon, the court reporter complied with the requirements of O.C.G.A. Section 9-11-28(d).)

(Plaintiff's Exhibit No. 1, Notice of Deposition, was marked for identification purposes.)

(The oath was administered to the witness by the court reporter.)

Whereupon,

FRANCISCO CEDENO,

Having been first duly sworn, was examined and testified as follows:

EXAMINATION

BY MS. MILLER:

Q. Good afternoon, Lieutenant Ceden0.

A. Ceden0, yes.

Q. Ceden0. I've been trying to say that right for the last two days. Ceden0. Ceden0?

A. Ceden0.

Q. Ceden0?

A. Yes.

Q. Okay. My name is Tanya Miller. I represent Dianti Early in this case. Are you familiar with what

1 the deposition notice is about?

2 A. Uh-huh.

3 Q. Okay. You have to say yes for the court
4 reporter.

5 A. Yes, I do.

6 Q. Okay. And have you had your deposition taken
7 before?

8 A. No.

9 Q. Okay. So it's really simple. I'm just going
10 to ask you questions, and you will answer under oath.
11 Madam Court Reporter will take down every single word
12 that we both say, kind of like in court. So it's just
13 important that, when you answer, you don't say uh-huh
14 or uh-uh, even though that's very natural in normal --

15 A. Yes, ma'am.

16 Q. -- conversation. But when she's trying to
17 get the record down, we have to say yes or no audibly.
18 If I ask you something that you don't understand or you
19 need clarified, just let me know, and I'll be happy to
20 clarify it for you. Also, if you need a break at any
21 time, you just let us know. We'll stop, and you can
22 take a break. If there's a question pending, though, I
23 just ask that you respond to the question, and then
24 certainly you can -- we can take a break.

25 A. Yes, ma'am.

1 Q. Okay. So there is an option for witnesses to
2 review their deposition testimony when it's over, read
3 it and sign off on its accuracy if they want to check
4 to make sure that, you know, the words were right or
5 make small changes, not usually substantive changes but
6 small changes. Would you like to have that
7 opportunity?

8 A. Today?

9 Q. No, it wouldn't be today. But it just would
10 be at the point that Madam Court Reporter finalizes the
11 transcript. You're welcome to do it or not do it or
12 you can think about it and let us know. It's
13 completely up to you.

14 A. I'm fine.

15 Q. Okay.

16 A. Thank you.

17 Q. All right. So you waive -- you waive reading
18 and signing?

19 A. I can do it later.

20 Q. Okay.

21 A. How about that?

22 MS. MILLER: So he will read and sign.

23 BY THE WITNESS:

24 A. Yeah.

25 Q. All right. So why don't we just start by you

1 giving us a little bit of your background, how long
2 you've been at Union City, what you do.

3 A. I've been in Union City over 17 years now.
4 I've been patrol officer when I first got out of the
5 academy for about nine, ten months. I moved into the
6 traffic unit for five and a half years. After that I
7 became a detective for six years -- six and a half
8 years. I got promoted to sergeant and to the internal
9 affairs investigation for three years. And I've been a
10 lieutenant for the last year for the criminal
11 investigation division.

12 Q. Okay. So has your entire law enforcement
13 career been at Union City?

14 A. Yes, ma'am.

15 Q. All right. Did you have a career before you
16 became a police officer?

17 A. I was a manager at a restaurant.

18 Q. All right. And are you from the Atlanta
19 area?

20 A. Puerto Rico.

21 Q. Puerto Rico. Okay. Okay. And so in March
22 of 2020, I guess you at that time were a sergeant in
23 the internal affairs division?

24 A. Yes, ma'am.

25 Q. Okay. And did you -- you said you were in

1 internal affairs for three years.

2 A. Yes.

3 Q. Okay. And before that you were a detective?

4 A. Yes.

5 Q. Were you assigned to a particular unit as a
6 detective?

7 A. Just the same unit that I'm the lieutenant
8 for now.

9 Q. CID?

10 A. Uh-huh.

11 Q. Okay. And that's a yes?

12 A. Yes.

13 Q. Okay. And does CID do like homicides and
14 major felonies or do you have like a homicide, sex
15 crimes unit? How are you guys divided?

16 A. We do it all.

17 Q. Okay.

18 A. We're not very big. We just have four
19 detectives.

20 Q. Got it. And how big was the internal affairs
21 unit when you came on board?

22 A. Just me.

23 Q. Just you? A unit of one?

24 A. Yes, ma'am.

25 Q. Okay. And did you receive any particular

1 training for that job?

2 A. Yes.

3 Q. Tell me about that.

4 A. I went to internal affairs classes, a few
5 other classes that I can't remember right now. Just
6 give me a second and I'll remember.

7 Q. Okay.

8 A. Basically just the internal affairs classes
9 and some seminars and stuff like that but not anything
10 other than that that I remember.

11 Q. Okay. And who put on the internal affairs
12 classes?

13 A. I went to GPSTC for that training down in
14 Forsyth.

15 Q. Okay. And just for the benefit of the court
16 reporter and the record, what is GPSTC?

17 A. That's the Georgia -- Public Georgia Training
18 Center.

19 Q. Okay. And is that where folks commonly go in
20 law enforcement to receive training on various topics?

21 A. Yes, ma'am.

22 Q. Okay. All right. So how long had you been
23 in internal affairs when you -- as of, I guess I'd say,
24 March 1st of 2020?

25 A. I believe four years ago. So four years ago

1 I started -- I was promoted sergeant to IA four years
2 ago.

3 Q. Do you remember the month?

4 A. I believe it was October because now I know
5 that I'm -- not celebrating but coming up to my first
6 year of being a lieutenant in this -- in November. So
7 it's been --

8 Q. Okay.

9 A. Yeah, it's been four years.

10 Q. Okay.

11 A. So you said 2020 you said?

12 Q. March of 2020.

13 A. So four years. Yeah, it would be a year,
14 year and a half maybe.

15 Q. All right. Do you remember the specific
16 incident that I'm referring to?

17 A. Yes, ma'am.

18 Q. Can you kind of walk us through how you
19 became involved in investigating it?

20 A. I get the cases from the assistant chief or
21 captain or whoever assigns it. I'm not sure who
22 assigned it to me. But it's either one of those
23 officers. Once I got it, I began interviewing Mays,
24 looking through body cam, and trying to gather
25 everybody that was involved to conduct interviews.

1 Unfortunately, I didn't talk to the -- your
2 client. I didn't talk to him because his mom and his
3 lawyer wanted to talk to him before they talked to
4 me. So we never -- we never ended up talking or I
5 never ended up having an interview with him.

6 So the only thing that I accomplished was
7 talking with Mays, asking him some questions,
8 reviewing the video, and that's it. And I made -- I
9 determined my decision on just that little bit of
10 facts that I had since I didn't talk to your client
11 at that time. So whatever I had is what, you know, I
12 came to the conclusion.

13 Q. Sure. And is that sort of your typical
14 practice when you get a complaint is to sort of
15 identify the witnesses to interview and collect body
16 camera --

17 A. Yes, ma'am.

18 Q. -- footage and things like that?

19 A. Well, advise the officer what the allegations
20 of policy violations and, yeah, gather information,
21 gather video, gather witnesses, gather -- you know,
22 talk to all parties that are involved, if possible.

23 Q. Okay. And what were the specific policy
24 violations that you were investigating as it related to
25 this incident?

1 A. It was use of force and not activating his
2 body cam.

3 Q. And when an officer is informed that he is
4 being investigated for violations of policy, is that
5 typically like a written document that's provided to
6 him or her?

7 A. Yes.

8 Q. Okay. And do you know whether or not that
9 was -- a written document was --

10 A. I believe --

11 Q. -- provided to --

12 A. Yes, I do, yes.

13 Q. Okay. All right. And would that be a part
14 of your report?

15 A. No, it would be separate. It would be -- It
16 should be in the case file.

17 Q. And does IA maintain their own case file?

18 A. Yes.

19 Q. Okay. So, for example, and I'll just show
20 you what I've marked as Exhibit Number 2.

21 (Plaintiff's Exhibit No. 2, Investigation
22 Report Case No. 20-03, was marked for
23 identification purposes.)

24 BY MS. MILLER:

25 Q. I'll put this clip on it. It's my

1 understanding that this is -- Well, actually, I'm
2 giving you the copy I dog-eared. Hold on. I'm handing
3 you what I've marked as Exhibit Number 2, Lieutenant.
4 Do you recognize Exhibit Number 2?

5 A. Yes, ma'am.

6 Q. And is this your report -- your IA report of
7 the incident on 3/1/2020 involving Officer Mays and
8 Dianti Early?

9 A. Yes, ma'am.

10 Q. Okay. And so on the front page of this
11 exhibit, there is a case number 20-03.

12 A. Uh-huh.

13 Q. Is that --

14 A. Yes, ma'am.

15 Q. Is that your internal affairs case number?

16 A. Yes, ma'am.

17 Q. Okay. And then separately, there is an
18 incident report that was done, I believe, by Officer
19 Mays. Have you seen -- Did you review this incident
20 report in --

21 A. Yes, ma'am.

22 Q. -- connection with your investigation?

23 A. Yes, ma'am.

24 Q. And that incident report had a separate case
25 number; right?

1 A. Yeah. This is -- This 20-03 are my case
2 numbers when I generate a case number for an internal
3 affairs every time I have an investigation or when I
4 did have an investigation.

5 Q. Okay. And if you flip kind of inside of your
6 report, it looks like there's an incident report that
7 has a different case number. It's probably the second
8 or third page in. Do you see it? I think you passed
9 it, like a Union City case number.

10 A. This is the case number right up on top.

11 Q. Okay. What is that number?

12 A. I believe it's 20 -- 20-002897.

13 Q. Yes. Okay. And so that would be a separate
14 case file not necessarily connected with your --

15 A. It's not a case file. That's just the
16 initial report.

17 Q. Okay.

18 A. So they have to generate a case number
19 whether it's -- whether it's a citation. If they're --
20 You know, if they're on a traffic unit or whatever,
21 they're going to draw a case number.

22 Q. Okay.

23 A. So that's just the original case number.

24 Q. Okay. And that case number may or may not
25 have a file associated with it.

1 A. Yeah, it may not.

2 Q. Okay.

3 A. Yeah.

4 Q. But in any event, your case number which is
5 20-03, that is -- that is the --

6 A. We have a log.

7 Q. Uh-huh.

8 A. We have a log when we do our internal
9 affairs, and that's how we label our case numbers.

10 Q. Okay.

11 A. It's separate from this case number here.

12 Q. Okay.

13 A. This is just the incident report case number.
14 This is my investigation. So we have a log that we put
15 and, you know, we go -- obviously, this is number three
16 in 2020. And it goes so on like that.

17 Q. Got it.

18 A. So each time I had one I just go to the --
19 you know, whatever the next number was.

20 Q. Okay. And did you also keep a file in
21 connection with this case number in addition to the
22 investigation report?

23 A. A file?

24 Q. Uh-huh.

25 A. As in what?

1 Q. A file. Did you have a --

2 A. That's it right there.

3 Q. -- case file? So this is the entirety of
4 your --

5 A. Yeah, there was only four or five summaries.
6 Because like I mentioned before, it wasn't much of an
7 investigation because I couldn't speak with your
8 client. And I just went by what -- I didn't go by. I
9 just -- what I had, and that was it. So it was
10 basically not a very long investigation considering I
11 could not speak with your client and get his side of
12 the story. So I just had what was in front of me, so
13 it wasn't very -- a long investigation. I think it was
14 four or five summaries that I had.

15 Q. Okay. And you mentioned that the -- when an
16 officer is notified that he is being under -- he is
17 being investigated for violations of policy that he
18 would get a written notification.

19 A. Yes, ma'am.

20 Q. And you said that that would be in the case
21 file.

22 A. Well, this is it right here. This advises
23 him of the administrative inquiry.

24 Q. Okay. So the first page in here, this is the
25 notice --

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1 A. Uh-huh.

2 Q. -- that goes to the officer?

3 A. Uh-huh.

4 Q. Okay. All right. And so when you say this
5 is it right here, we'll just -- I'll say for the record
6 what we're talking about. When you turn into your
7 investigation report, the first page of Plaintiff's
8 Exhibit Number 2 is a memo dated March 4, 2020, to
9 Officer Mays from then Sergeant Ceden0. And in this --
10 in this memo it references violation of SOP 4-11-1
11 IV.I.5, I guess, if I'm reading those roman numerals
12 correctly. Is that right?

13 A. Yes.

14 Q. And was that at the beginning what your
15 investigation was to -- was focused on?

16 A. Yes.

17 Q. And at some point, it expanded to include a
18 violation of the body camera policy?

19 A. Yes.

20 Q. Okay. And then at the conclusion of your
21 investigation, once you've done all that you can do, do
22 you notify the officer of what your conclusions are?

23 A. Yes.

24 Q. And did you do that in this case?

25 A. Yeah, I -- Yeah, I did. I don't know if --

1 Let me -- Can I look through here?

2 Q. Of course.

3 A. It should have been the last summary.

4 MR. BENNETT: If you need to take a phone
5 call --

6 THE WITNESS: Yeah, it's my captain.

7 MS. MILLER: Oh, sure. Go ahead.

8 (A short break was taken.)

9 BY THE WITNESS:

10 A. I did not -- I did -- What I do is, I come to
11 my conclusion, and I'm not the one to advise and
12 discipline and carry out with the discipline. So once
13 I've done and come to my conclusion, I hand it over to
14 my supervisor, and they advise them of what -- you
15 know, what my investigation has concluded.

16 Q. Okay. And is that what happened in this
17 case?

18 A. Yes.

19 Q. All right. And so who would have been the
20 supervisor that you handed your conclusions off to?

21 A. It would either had to be Lieutenant Pittman,
22 and I can't remember whether assistant chief was
23 looking over my -- or looking over the internal affairs
24 at that time. Because he just came in not too long --
25 you know, maybe a year after I got -- you know, I was

1 doing internal affairs. So I'm not sure which one, but
2 it had to be one of those two.

3 Q. Okay.

4 A. It was probably Pittman, though.

5 Q. Okay.

6 A. Yeah.

7 Q. And then we only have your report here, but
8 would it be the practice of the department to provide
9 the officer something in writing showing him what the
10 conclusion --

11 A. Yeah.

12 Q. -- of the investigation was?

13 A. Yeah. There would -- That's -- I wasn't
14 responsible for that, because my responsibility was
15 just to come to the conclusion and do the
16 investigation.

17 Q. Okay.

18 A. So once I turn it over, whoever reviews it,
19 my supervisor is -- they're supposed to do that.

20 Q. Okay. Do they typically give you a copy of
21 that?

22 A. Yeah, sometimes. I mean, we were in a
23 transition around that time with the old assistant
24 chief and the new one coming in. The old assistant
25 chief really didn't provide me copies of, you know, the

1 end result. So in this particular case, no.

2 Q. Okay. If you -- If we wanted to see a copy
3 of the --

4 MS. MILLER: Oh, sure, if you need to take
5 a call, we'll go off the record.

6 (A short break was taken.)

7 MS. MILLER: Okay. Going back on the
8 record.

9 BY MS. MILLER:

10 Q. If we wanted to find the actual, I guess,
11 disposition, for lack of a better word, concerning your
12 investigation, where would we look for that?

13 A. You'd probably have to get with the assistant
14 chief or Lieutenant Pittman for the results of my
15 investigation.

16 Q. Okay. And just so that -- we're talking
17 about it, but just so the record's clear, what did you
18 conclude as a result of your investigation into the use
19 of force incident?

20 A. Well, I concluded that there was -- it was
21 unfounded. I did not have sufficient evidence to
22 either say he used excessive force or he didn't use
23 excessive force. And that being said, I didn't get to
24 speak with your client at that time during this
25 investigation, but I did find that he was in violation

1 of the body cam video policy at that time.

2 Q. Okay. And I'm going to ask you some specific
3 questions about your investigation, but we're just
4 going to talk big picture for a few minutes here. So
5 what was the department's body cam policy at the time
6 this incident happened?

7 A. I believe you have to -- if you make any
8 contact with a citizen that you would have to turn your
9 body cam on.

10 Q. Okay. And are officers trained on the
11 department's policy as it relates to body cameras?

12 A. Yes.

13 Q. And are you part of that training?

14 A. No.

15 Q. No? Okay. We had --

16 A. I am an instructor, but I don't train on
17 that.

18 Q. Oh, you don't train on that?

19 A. No.

20 Q. Okay. Do you know who does train on that?

21 A. I think it's -- Well, the way that they've
22 been doing is that when they come out of FT -- when
23 they come out of the academy and they receive their
24 body cam, they're with a trainer. And I'm not sure who
25 his trainer was. When you get out of the academy, you

1 get provided this camera, and along with all the other
2 training, they train you how to operate the camera.

3 Q. And do they also train you on when to
4 activate the camera --

5 A. Yes, ma'am.

6 Q. -- on what is required by policy at the
7 department?

8 A. Yes, ma'am.

9 Q. And just for my education, how does an
10 officer activate his body cam?

11 A. There's a center button on it. You hold it
12 down -- You hit it twice, and it comes on.

13 Q. Okay. So it's -- Would you characterize it
14 as pretty simple to operate?

15 A. Uh-huh.

16 Q. Yes?

17 A. Yes, ma'am.

18 Q. Okay. Now, you said you interviewed Officer
19 Mays, you could not interview Mr. Early due to his
20 counsel --

21 A. Uh-huh.

22 Q. -- his attorney.

23 A. Yes, ma'am.

24 Q. Who else did you interview?

25 A. Officer Glasgow --

1 Q. Okay.

2 A. -- when he was there. I spoke with Mr.
3 Early's mom, but I didn't interview her. I was just
4 speaking with her trying to set up the time to speak
5 with Mr. Early.

6 Q. Okay. Let's see. Anybody else?

7 A. I don't recall talking to anybody else.

8 Q. Okay. I think that's all I saw too. So who
9 was the -- who would have been the first person you
10 talked to?

11 A. Well, I would have spoke with Mays first
12 because I would have advised him, and which I did, I
13 advised him of the policies -- you know, the alleged
14 violation of policy.

15 Q. Okay.

16 A. Well, before that it would have probably been
17 the assistant chief or whoever gave me the internal
18 affairs. And I have it logged in on a log book who
19 actually assigned it to me.

20 Q. Okay.

21 A. So I don't recall who I assigned it to me,
22 but it would be them. And then I would get the -- you
23 know, the report, and then I spoke with Officer Mays.

24 Q. Okay. And did you speak to Officer Mays in
25 person, over the phone?

1 A. No, in person.

2 Q. Did you record the interview?

3 A. I believe I did, yes.

4 Q. Audio or video?

5 A. Both.

6 Q. Is that your normal practice?

7 A. Yes. We -- I started to do that because I
8 was fairly new doing internal affairs when I started.
9 I never did it before. At first -- My first interview
10 or my first cases, I didn't use the body cam. We
11 didn't have them. You know, I think we got body cams
12 in late 2008, November. So --

13 Q. 2008?

14 A. '18. I'm sorry.

15 Q. I was going to say you guys were way ahead of
16 the curve.

17 A. No, no, '18 --

18 Q. Okay.

19 A. -- '18. I'm sorry. So in the beginning of
20 my investigations, I didn't use it, but I do believe I
21 did use it on that one.

22 Q. Okay.

23 A. I started recording it with my body cam.

24 Q. Okay. And if we wanted to get a copy of that
25 recording, the audio/video, where would that be?

1 A. You would have to open records request, and I
2 was actually responsible for the videos as well as
3 internal affairs. So you would have to get with the
4 new sergeant of internal affairs and request it.

5 Q. Okay. And is that Ms. Davis or --

6 A. Sergeant Davis.

7 Q. -- Sergeant Davis?

8 A. Yes, ma'am.

9 Q. Okay. All right. How much of your
10 investigation, if any, involved assessing the scene
11 where the incident took place?

12 A. I did not go and assess the scene.

13 Q. Okay. Now, you said that you used to be a
14 traffic officer; correct?

15 A. Yes, ma'am.

16 Q. And so what types of things do traffic
17 officers normally do if they're responding to a scene
18 where, let's say, a vehicle has struck a pedestrian?

19 A. They go out there. They reconstruct the
20 accidents. You have to have reconstruction classes if
21 they're qualified to do that. They also talk to
22 witnesses, mark scenes, stuff like that, gather
23 evidence.

24 Q. Take photos?

25 A. Take photos, yeah.

1 Q. Take measurements?

2 A. That's the old style of doing it.

3 Q. No measurements anymore? So would you use
4 that software now or --

5 A. Yeah.

6 Q. -- what -- how do you do it?

7 A. That's what I used when I was -- we used when
8 I was in traffic, so. But I haven't been in traffic in
9 10, 11 years, so.

10 Q. Okay.

11 A. So I don't know what they do in traffic right
12 now --

13 Q. Okay.

14 A. -- how they go out and how they function, I
15 don't know.

16 Q. Okay.

17 A. Yeah.

18 Q. All right. Would -- Okay. So I guess as the
19 lieutenant over CID, if there's a serious injury by
20 vehicle or a vehicular homicide, those are done by
21 traffic unit, not by your --

22 A. Yes.

23 Q. -- your detectives?

24 A. Yes.

25 Q. Okay.

1 A. I believe they now call the state patrol --
2 Georgia State Patrol for all major accidents. I don't
3 know if they do it themselves anymore.

4 Q. Okay. What would be considered a major
5 accident?

6 A. A hit and -- Someone that's seriously
7 injured, a death.

8 Q. Okay. And this may sound like a silly
9 question, but what's seriously injured?

10 A. Entrapment. You know, you can, you know --

11 Q. Stuck in a vehicle --

12 A. Stuck in a vehicle.

13 Q. -- meaning you can't get them out?

14 A. Yeah, stuck in a vehicle. You know, a lot of
15 bodily injuries.

16 Q. Okay. But if it -- if it's -- if it doesn't
17 rise to that level, is your -- and I understand you're
18 not in traffic, but is your just general understanding
19 as a lieutenant in the department that the traffic
20 unit -- there is a traffic unit in Union City that
21 would respond for, like, vehicle pedestrian collisions?

22 A. If available, yeah.

23 Q. If available. Okay.

24 A. Our officers are trained to do accidents as
25 well --

1 Q. Okay.

2 A. -- so --

3 Q. Regular patrol officers?

4 A. Yes, ma'am.

5 Q. Okay. So if -- is your sense that if there
6 was a vehicle pedestrian sort of collision where the
7 pedestrian had a broken limb as a result, would that be
8 something that patrol would handle or is that something
9 that traffic would probably be called to the scene for?

10 A. Like I said, I haven't been in traffic in 11
11 years, so I don't know how -- what their protocol is.
12 I just know that I was supposed to do what I was
13 supposed to do in internal affairs. That's it.

14 Q. Okay.

15 A. So I'm not sure what their, you know --

16 Q. Okay. Fair enough. Now, you talked about,
17 in your report, that the Jeep that Mr. Early was
18 driving -- I think that -- let me see if I can find the
19 exact way you phrased it. So I'm looking on like the
20 last page of your report in your conclusions.

21 A. Yes, ma'am.

22 Q. "Cedeno concluded due to the circumstances
23 which involved Early operating a stolen black Jeep that
24 had been confirmed to have participated in numerous
25 felony crime sprees in the Fulton County area and

1 having prior knowledge that the occupants of the
2 vehicle were armed and dangerous."

3 Can we just unpack that? What information
4 did you have concerning the vehicle being involved in
5 numerous felony sprees in the Fulton County area?

6 A. I was told by other officers, Glasgow and --
7 and, you know, they send out BOLOs as well through the
8 department. And we were having a very serious issues
9 of cars getting broken into and a lot of these numerous
10 felony crimes that was involving this particular Jeep.
11 So, I mean, as a police department, everybody's kind of
12 aware of that. Even though that I was administrative
13 and working in the office, you know, I have a radio, I
14 hear bolos, and everybody pretty much knows what's
15 going on, you know, crime-wise.

16 Q. Okay. Can -- Where would I find
17 documentation of this stolen black Jeep being confirmed
18 to have participated in numerous felony crime sprees?

19 A. You would probably have to go to the CAD,
20 Fulton County Communications.

21 Q. What am I asking them for?

22 A. Any BOLOs that were put out, because we have
23 to -- we go through them. When we put a BOLO out, we
24 advise the communications center to put them out.

25 Q. Okay. Did you do that? Did you go to the

1 Fulton County Communications Center?

2 A. No, I did not. I just -- I heard it over the
3 radio. I heard -- You know, I sit in the briefings --
4 you know, the shift change briefings. I used to sit in
5 those, and that's when they would talk about, you know,
6 what to look for on that particular day or, you know,
7 we're having issues with this black Jeep, be on the
8 lookout. So, yeah, that's where I heard it from.

9 Q. Okay. And you know it was this specific
10 black Jeep as opposed to a black Jeep?

11 A. Oh, it had a tag number, so they were looking
12 for that.

13 Q. So the BOLOs and all the communications --

14 A. Should have a tag number because they mention
15 tag number.

16 Q. -- reference this specific tag number?

17 A. Yes.

18 Q. Okay. And to find that information, I would
19 go to Fulton County Communications and ask for any --

20 A. Dispatch.

21 Q. -- Dispatch and ask for any BOLOs with this
22 license plate? Where do I -- How would I --

23 A. You could do that or you can reference that
24 case number that -- not my investigation case number,
25 but the case number, the initial report, and they

1 should --

2 Q. Oh.

3 A. -- yeah, they should be able to find all the
4 BOLOs and stuff because I know there were.

5 Q. Okay. So the Union City case number
6 20-002897?

7 A. Uh-huh.

8 Q. Got it. Okay. And then you mentioned
9 Glasgow. Is Glasgow a male or female?

10 A. Male.

11 Q. Male. Okay. Just saw the name Jade and I
12 assumed it was --

13 A. No, he's a male.

14 Q. Okay. So Officer -- Tell me about how you
15 came to interview Officer Glasgow.

16 A. He was actually at a -- I think he was parked
17 at the Gathering Center in Union City. And like I
18 said, they had a bolo out for this vehicle, and he
19 actually saw this vehicle backed in. That's the MO
20 that the black Jeep had where it would back in so you
21 can't see the tag. And he actually saw the vehicle
22 there with four individuals. He -- I believe he ran
23 the tag, and he was trying to pursue the vehicle, but
24 he lost visual on it.

25 Q. Okay. And so how did you, though, come to

1 know about Glasgow's information?

2 A. About his information?

3 Q. Uh-huh.

4 A. Because I spoke with him. He -- Because he
5 told me, you know, about this incident that he had.
6 You know, after I started doing my investigation, then
7 I spoke with him to verify, you know, his story.

8 Q. I see.

9 A. And I got his statement and -- yeah.

10 Q. Okay. I see. So the reason I'm asking is I
11 didn't see an incident report from Officer Glasgow
12 concerning what he described in your statement, just a
13 written statement.

14 A. He didn't -- He didn't do an incident report.
15 He didn't generate a report. That was just something
16 that he noticed. He was sitting there. I don't know
17 why he was -- I don't know if he was there -- You know,
18 sometimes that Gathering Center had police officers
19 there off-duty for part-time work to -- you know, for
20 security. I think they were having an event there or
21 something, so I think he was there doing security or
22 there -- I believe. And once this came out, then he
23 mentioned that he had this incident with this Jeep.

24 Q. Okay. I see. So he -- Okay. I understand.
25 So Glasgow heard that this March 1st incident occurred

1 with the Jeep --

2 A. With the Jeep --

3 Q. -- knew you were --

4 A. -- and then he came --

5 Q. -- investigating --

6 A. Yeah.

7 Q. -- came to you to tell you about what he had
8 witnessed back in --

9 A. Exactly.

10 Q. -- February and then you got his statement?

11 A. Yes.

12 Q. Okay. I got it. And you may or may not know
13 the answer to this, but the statement -- and it's
14 inside of Plaintiff's Number 2 like the -- about four
15 pages -- four or five pages from the end, the statement
16 itself is dated April 30, 2020.

17 A. Okay. Yeah.

18 Q. Do you see that? And the incident that
19 Officer Glasgow is describing occurred on February 29,
20 2020.

21 A. Uh-huh.

22 Q. Yes?

23 A. Yes.

24 Q. Did Officer Glasgow have a memo book or
25 something that he kept notes in where he was able to

1 rattle off the plate number?

2 A. I believe he ran the plate number. And so
3 that's something else that you can probably get, that
4 he would probably went over on air and ran that plate
5 number.

6 Q. I see. So he -- So --

7 A. So I don't know if he has a memo book or
8 anything, but I'm sure that he actually called it out
9 on the radio.

10 Q. And so in April, if he -- would there be a
11 way for him to go back and find out --

12 A. Yeah, because if he --

13 Q. -- what plate he called out?

14 A. Yeah, if you see here contacted dispatch,
15 see, he contacted the dispatch and ran the tag on the
16 air. Yeah, that's -- See. And dispatch advised him
17 that it was confirmed stolen.

18 Q. Okay.

19 A. So he ran it on the radio --

20 Q. Okay.

21 A. -- called it out on the Fulton County
22 Communications. They verified the tag number which
23 they told him it was stolen.

24 Q. He did that on the day of the --

25 A. Yes.

1 Q. -- incident --

2 A. Yeah, that's correct.

3 Q. -- February 29, 2020?

4 A. Yes.

5 Q. And so then, just to -- for my education
6 purposes, if Glasgow wanted to go back and find out
7 what tag he called out over the air, he could do that,
8 go back to dispatch and find that information?

9 A. Yes.

10 Q. Okay.

11 A. And, also, he was in traffic at the time, and
12 I believe his car is equipped with license plates
13 readers. So he probably had it on his -- you know, his
14 license plate reader computer or whatever. I've never
15 dealt with that, so. But he was in traffic, and I
16 believe he did have that capability as well.

17 Q. Got it. Okay. Thank you. Is Glasgow still
18 at Union City?

19 A. No, ma'am.

20 Q. Where is he now?

21 A. I have no clue.

22 Q. All right. Just one second and I'll be ready
23 to move on. So in addition to the recorded interview
24 that you would have done with Officer Mays, there was a
25 handwritten statement that was prepared. Did you see

1 that in your report? And I'm sorry. The pages aren't
2 numbered, but it's about halfway in the middle of
3 everything.

4 A. Yes, ma'am, the -- Yeah, I see it there.

5 Q. Okay. So when in time would the handwritten
6 statement be done versus your interview?

7 A. Generally the statement would be done before
8 my interview. Because I would have to -- What I do is
9 I get their interview, I get their statement -- not the
10 interview. I'm sorry. I get their statements, and I
11 proceed with my investigation. And then once I gather,
12 you know, my information and speak with everybody
13 involved, then I come back and I formulate questions
14 that I need to ask them for the next time -- you know,
15 the next interview.

16 Q. Okay. So did you take this first statement
17 or did someone else take this first statement?

18 A. No, I did. That's my signature right there.

19 Q. Okay. By witness?

20 A. Yeah, that's my signature.

21 Q. Okay. And then a couple more pages in, you
22 describe how -- I'm assuming this is you writing it --
23 on April 30th --

24 A. Are we talking about the --

25 Q. Where it says --

1 A. Yeah. Okay. The --

2 Q. -- question and answer.

3 A. -- questionnaire, yeah.

4 Q. Do you see at the bottom where it says 20-07.

5 Is that just a typo?

6 A. It's a typo.

7 Q. Okay.

8 A. Yes, it is.

9 Q. And is this the interview that would have
10 been recorded by you?

11 A. Yes.

12 Q. All right. Were there any other interviews,
13 for lack of a better word, with Officer Mays that were
14 done by you other than this one?

15 A. No.

16 Q. Okay. So just the handwritten statement and
17 then the interview?

18 A. I don't know if the handwritten statement was
19 recorded, but I'm sure that this questionnaire was
20 recorded.

21 Q. Okay.

22 A. Not saying that it wasn't. It could -- I
23 possibly could have done both. I know I did the
24 questionnaire and possibly when I spoke with him
25 initially to get his interview -- I mean, his

1 statement.

2 Q. Okay.

3 A. I just can't recall right now.

4 Q. Sure. I understand. All right. So the
5 incident occurs on March 1, 2020. Yes?

6 A. Yes.

7 Q. You interview -- Well, you take a statement
8 from Officer Mays on March 2nd, the next day. Yes?

9 A. Yes.

10 Q. And it looks like you do some -- I'm just
11 following your report chronologically -- you make some
12 efforts around the 5th of March to interview Mr. Early,
13 speaking to his attorney.

14 A. Yes.

15 Q. Okay. And then we have on the 30th your
16 interview of -- recorded interview of Officer Mays and
17 your interview of Officer Glasgow.

18 A. Yes, ma'am.

19 Q. All right. Was there any other investigation
20 that occurred on your behalf between March 5th and then
21 April 30th?

22 A. No, ma'am.

23 Q. And then after April 30th, we have a May 6th
24 entry that basically summarizes your conclusions.

25 A. Yes, ma'am.

1 Q. Okay. Was there any investigation that you
2 conducted between April 30th and -- well, I guess
3 that's pretty close in time. But was there anything
4 that's not included in this report that happened
5 between April 30th and May 6th?

6 A. No, ma'am.

7 Q. Okay. Now, after you concluded that Officer
8 Mays violated the department's body camera policy and
9 reported that up the chain, what, to your knowledge,
10 was done as a result of that conclusion?

11 A. I don't know.

12 Q. Okay. Do you know if there was additional
13 training done for Officer Mays on body cameras?

14 A. Don't know.

15 Q. You did not conduct any additional training?

16 A. No, ma'am, I didn't.

17 Q. Okay. Did you talk to him or have a
18 conversation with him about your conclusions, explain
19 them to him?

20 A. I don't -- I can't recall.

21 Q. Okay.

22 A. I may have talked to him about it. But like
23 I said, initially, I just come to my conclusion, and I
24 had it over to my supervisor. And they take over and
25 sit them down and, you know, discuss the case. So I

1 might have had a conversation with him saying that, you
2 know, what I concluded, but I don't have the final say
3 or outcome of it.

4 Q. So what is -- what would be -- if you know
5 this just because you were in IA for a good bit of
6 time, what would be the -- penalty seems like the wrong
7 word, but what corrective action would you expect to
8 see the department take for someone not activating
9 their body camera in accordance with policy the first
10 time it happens?

11 A. I don't know because I wasn't privileged to
12 get that information at first. Like I said, there was
13 a transition there where it was going from the new --
14 the old assistant chief to the new chief, and there was
15 things that were being changed with the new assistant
16 chief. So I don't know what the punishment would be
17 for not having your camera on.

18 Q. Okay.

19 A. And, you know, that's fairly new. We only
20 had it for about a year so -- before -- prior to this
21 incident, so I wouldn't know.

22 (Plaintiff's Exhibit No. 3, Investigation
23 Report Case No. 20-14, was marked for
24 identification purposes.)

25 BY MS. MILLER:

1 Q. Okay. All right. I'm going to hand you
2 what's been marked as Plaintiff's Exhibit Number 3.
3 Plaintiff's Exhibit Number 3 is another internal
4 affairs investigation report. This one is authored by
5 you, and John Mays is the subject of this internal
6 affairs investigation; is that correct?

7 A. Correct.

8 Q. And the case number for Plaintiff's Exhibit
9 Number 3 is 20-14.

10 A. Correct.

11 Q. All right. And that is, again, your internal
12 affairs case number?

13 A. Yes, ma'am.

14 Q. So that would mean, by your explanation, that
15 for 2020 this was the 14th case --

16 A. Correct.

17 Q. -- that was investigated by you. And here we
18 have -- looks like looking back at Plaintiff's Exhibit
19 Number 2, you reach your conclusion around May 6th or
20 so, and then a couple of months later you're opening
21 another investigation into Officer Mays for a similar
22 reason. Is that correct?

23 A. For a body cam violation --

24 Q. Yes, sir.

25 A. -- yes.

1 Q. Okay. And do you remember this
2 investigation?

3 A. Yes.

4 Q. Okay. Can you tell me how it came to you?

5 A. It was probably assigned to me by either the
6 captain or assistant chief --

7 Q. Okay.

8 A. -- like normal.

9 Q. Okay.

10 A. It's either one of those. I would have to
11 look at my log sheet on my computer to tell me who
12 exactly gave it to me --

13 Q. Okay.

14 A. -- because I have it logged on who assigned
15 it to me.

16 Q. Okay.

17 A. But it either had to be the assistant chief
18 or the captain.

19 Q. Okay. And are there occasions where you get
20 assigned investigations -- Let me ask you this. Do
21 citizens sometimes call to complain about a police
22 officer and ask that a violation of policy be
23 investigated?

24 A. Yes.

25 Q. Do those come directly to you or would they

1 come through that same system you described where your
2 supervisor assigns the case to you?

3 A. They normally come through -- They do a
4 written statement. They don't have to do a written
5 statement. They can just actually call. And they --
6 Yes, they go to the supervisor. They're advised, or if
7 it's a lieutenant or a sergeant that gathered that
8 information, then they relay it to their higher up, and
9 then it gets assigned to me.

10 Q. Got it. Okay. So by and large, when cases
11 come to you, do you know how they emanated or are you
12 just getting the case because the supervisor assigned
13 it to you?

14 A. When you say emanated, what do you mean by
15 that?

16 Q. I mean, how it came to the attention of the
17 department. In other words, did a citizen complain?
18 Did a fellow officer complain? Was it an anonymous
19 complaint?

20 A. There usually could be any of those. But
21 most of the time, it's a citizen that complained on --
22 especially if it's things against, you know, a citizen.
23 They said, you know, their allegations. Then a citizen
24 will call, or they'll come up there and document it.

25 Q. Okay. And I was trying to see how this one

1 came to y'all's attention. Do you know based on
2 looking at this?

3 A. Yeah. Let me read this little folder, and I
4 can --

5 Q. Okay.

6 A. -- see if I can answer that question for you.

7 Q. Okay. Thank you.

8 A. I don't recall how this came to me, but I'm
9 sure -- I know that I used to look over body cams just
10 to see -- just to look -- not to beat people up but
11 just to see if -- you know, what kind of training we
12 need to give to the officers. And I would review
13 videos. And I believe, if I can recall, captain -- the
14 captain gave me this. And they were -- She must have
15 saw it on video or something or was told that he --
16 that his camera wasn't on.

17 Q. Okay.

18 A. Because this is an incident where -- it
19 involved January -- Officer January, and he had his
20 camera on. So it could have easily been that they were
21 looking at his camera and saw that he was on scene and,
22 you know, said, "Well, where's your camera?" You know,
23 and that's probably how it came up.

24 Q. Okay. And I think this is one we don't have
25 to spend a lot of time with. It looks like you

1 concluded that -- you sustained, in essence, a
2 violation of the body camera policy.

3 A. Yes, ma'am.

4 Q. Tell me how this is -- how do these two --
5 how does this one play in your mind at the time you're
6 investigating it coming on the heels of one you had
7 just done for the same officer?

8 A. I think that we were having issues with
9 officers, not just Mays, we were having issues with a
10 lot of officers that, you know, their cameras are
11 fairly new. Yes, they've been trained on it, and they
12 just forget to tap it and turn it on. So -- And Mays
13 is not the only one that was violating that policy, so.

14 Q. So in 2020, if we're just talking about that
15 year, Union City has approximately how many officers?
16 Someone said 75. Does that --

17 A. Seventy --

18 Q. -- sound about right?

19 A. Yeah.

20 Q. Okay.

21 A. That includes detectives and -- yeah.

22 Q. Okay. So if we subtract the detectives
23 because detectives don't typically wear body cameras;
24 right?

25 A. We have them.

1 Q. Oh, you guys have them?

2 A. Uh-huh.

3 Q. Oh, okay. You guys are different from APD.

4 A. Yeah, we have them. We started to get them
5 shortly after that, because, you know, we go on scenes
6 and stuff like that. Well, I didn't have them. I
7 recommended they have them back there when I was in
8 internal affairs so they can have it on scene and stuff
9 like that so to --

10 Q. Okay.

11 A. -- help them out with interviews and things
12 like that.

13 Q. Okay. And so in your -- if you had to say,
14 since you were the internal affairs unit of one in 2020
15 for the most part, how many officers did you sustain a
16 violation of the body camera policy on for 2020?

17 A. Are you referring to how many investigations
18 I had or just --

19 Q. No, sustained.

20 A. -- knowledge of somebody not having their --
21 or putting their camera on?

22 Q. No. I mean, like an investigation where you
23 sustain a violation of policy.

24 A. Oh, there was a few. There was -- I can't
25 remember, but I know there was a few. Because like I

1 said, he's not the only one -- he wasn't the only one
2 that had issues with turning on their cameras --

3 Q. Okay.

4 A. -- so there's . . .

5 Q. Okay. Okay. So the violation is sustained,
6 and then what happens as a result of that?

7 A. I just hand my investigation over to the
8 supervisor, and, you know, they discipline them or
9 whatever they do.

10 Q. Okay. And what is the significance -- like
11 why even bother having officers wear body cameras?

12 A. What's the significance of it?

13 Q. Yeah, tell me why it's even a policy that
14 the --

15 A. That protects --

16 Q. -- department has.

17 A. That protects the officer. It protects the
18 citizens. It captures, you know, what really happened.

19 Q. So do you think that body camera usage is an
20 important part of a police officer's duties?

21 A. Yes, it's very important. But, you know,
22 there are circumstances that come up that, you know, in
23 the heat of the moment, things get hot and get excited.
24 And, you know, when you're trying -- you know, we have
25 a lot of police officers that are -- want to do their

1 job well. And, you know, when you get to a point where
2 it's a hot call or something and you're focusing on
3 something on a violent crime or something like that,
4 you know, people tend to forget to, you know, hit their
5 body cam, so. Yes, it's very important. But it's
6 something that -- it can be forgotten sometimes, you
7 know, or not in time, you know, once you're in that --
8 that -- the heat of the moment, so.

9 Q. It can also be intentionally not turned on.

10 A. Correct.

11 Q. Okay. So --

12 A. I don't feel that that was the situation with
13 Mays, though.

14 (Plaintiff's Exhibit No. 5, Investigation
15 Report Case No. 22-10, was marked for
16 identification purposes.)

17 BY MS. MILLER:

18 Q. Okay. Let's talk about -- I'm going to skip
19 4 and go to 5 -- Plaintiff's Exhibit Number 5. This is
20 not an investigation that you did. And in 2020, which
21 is the date of this investigation, I'm not even sure if
22 you were still in internal affairs, were you?

23 A. No, ma'am. I was -- That's April? No,
24 uh-uh.

25 Q. Okay. So you had gone on to CID supervisor

1 at that point.

2 A. Yeah, November 2021, I was -- yeah, a year
3 ago.

4 Q. Okay. November -- Early November or late
5 November?

6 A. I believe it was maybe early, maybe a week or
7 two into November.

8 Q. Okay. And so I'm going to -- Just can you
9 take a look at that and just tell me if you have any
10 knowledge about that. And by that, I mean, Plaintiff's
11 Number 5 which is another investigative report
12 concerning Officer Mays that --

13 A. I don't have no knowledge of this. I
14 don't --

15 Q. Okay.

16 A. No.

17 Q. You don't --

18 A. Internal affairs is -- Nobody should have
19 knowledge of internal affairs investigations except for
20 the chiefs and the sergeant.

21 Q. Okay.

22 A. So I have no knowledge of anything else past
23 November, but -- other than the ones that were assigned
24 to me when she's not available to do it, then I'm aware
25 of those.

1 Q. Well, I just meant kind of like how you
2 described Glasgow being aware that an investigation was
3 going on --

4 A. No, I was --

5 Q. -- and coming and talking to you.

6 A. I was not aware.

7 Q. You're not aware of this thing?

8 A. Uh-uh.

9 Q. Okay.

10 A. Let me tell you something. When I got back
11 in the back as a detective -- lieutenant detective, the
12 first week I got there, we had three people die. Dead.
13 I was too busy to even -- You know, and it's been like
14 that. It's been -- I've been -- We've been busy back
15 there. So I don't -- Yeah, there's a lot of chit
16 chatter, you know, in every job. But I pretty much
17 stay to myself and do what I got to do in the back, and
18 I don't hear this stuff.

19 (Plaintiff's Exhibit No. 5-A, Notice of
20 Reprimand, was marked for identification
21 purposes.)

22 BY MS. MILLER:

23 Q. Sure. And so then just to be clear, handing
24 you 5-A, there are a bunch of signatures on that. I'm
25 going to assume none of those are yours.

1 A. This was the 17th. No, none of those are
2 mine. None of those are my signatures.

3 Q. None of -- Okay. And so 5-A for the record
4 is a Notice of Reprimand for Officer Mays for a failure
5 to use his body camera or to properly activate his body
6 camera in November of 2021. It's labeled 5-A because
7 it's connected to the investigation -- the internal
8 affairs investigation that we've labeled Exhibit 5. So
9 that's why we have that numbering.

10 MR. BENNETT: Exhibit 5, that's the 22-10?

11 MS. MILLER: Yes, that's --

12 MR. BENNETT: Okay.

13 MS. MILLER: -- 22- -- case number 22-10.

14 MR. BENNETT: Okay.

15 MS. MILLER: Okay.

16 (Plaintiff's Exhibit No. 4, Investigation
17 Report Case No. 20-22, was marked for
18 identification purposes.)

19 BY MS. MILLER:

20 Q. And then lastly, just another -- I'm handing
21 you 4 just so that we're complete. I went out of
22 order, but we're just going to button this down. This
23 is Plaintiff's Exhibit Number 4. It is an internal
24 affairs investigation dated 8/23/2020. This was an
25 investigation conducted by you, Lieutenant, at least

1 according to the cover page.

2 A. Yes, ma'am.

3 Q. Yes? And this was case number 20-22 meaning
4 it was the 22nd internal affairs investigation you
5 opened in 2020; is that accurate?

6 A. Yes, ma'am.

7 Q. Okay. And this investigation did not involve
8 body cameras, but it did involve Officer Mays; fair?

9 A. Correct.

10 Q. Can you just summarize in three sentences or
11 less, or as many sentences as you want, what this
12 investigation was about?

13 A. Can you give me a minute to --

14 Q. Sure.

15 A. Yeah.

16 Q. Sure, sure, sure.

17 A. I believe I remember, but I just want to make
18 sure.

19 Q. Absolutely.

20 A. Oh, okay. This was an incident where it was
21 alleged subordination -- insubordination on a
22 supervisor which was Donna Baker.

23 Q. And Donna Baker was a sergeant at the time?

24 A. Yes.

25 Q. Was she Mays' sergeant?

1 A. Yes.

2 Q. Okay. So a sergeant over patrol?

3 A. Yes.

4 Q. And Sergeant Baker had an issue. I guess the
5 genesis of the insubordination was Sergeant Baker had
6 an issue with Mays' reports. Is that fair to say?

7 A. Yeah, there was -- we were having a lot of
8 issues with our report system. They were coming --
9 getting into a new system and apparently he did not --
10 was not able to do some diagrams for his accidents.
11 And I think he told his other -- his lieutenant
12 actually at the time that he was having issues with it.
13 And then Baker, again, tried to address the issue, and
14 then they got in a -- I think a verbal argument or
15 confrontation or something like that.

16 Q. Okay. And what did you do in -- Just kind of
17 walk me through your -- like, what did you do to
18 investigate this allegation?

19 A. Well --

20 Q. Did you interview people? Did you --

21 A. -- I interviewed -- Yeah, without reading
22 everything there, I interviewed him, I interviewed her,
23 anybody that was involved or anybody that, you know,
24 had an earshot of it, if there was anybody involved or,
25 you know, that was in there when this happened.

1 Q. Okay. And what was your conclusion?

2 A. I don't think this happened with anybody
3 around. I think, actually, if I can recall, Baker took
4 him to the side actually and spoke with him, I believe.
5 I think I concluded that it was -- I'm not sure -- I
6 didn't conclude that he violated anything. I think
7 that after they had the discussion and they -- him and
8 Baker actually handled it on their own terms. You
9 know, they spoke about it, and I think that was the
10 outcome of that.

11 Q. Okay. You mention in this report, and I
12 think it -- I don't know if it's a typo or not, but I
13 wanted to make sure and ask you. I'll just show you
14 because there are no page numbers, so it's easier if I
15 just show you where I am.

16 A. Yes, ma'am.

17 Q. On this paragraph here inside of the
18 investigative report which is about halfway through,
19 you say that --

20 A. This paragraph right here?

21 Q. Yeah. "Baker advised Mays he had numerous
22 disproved reports."

23 A. Disapproved, yeah.

24 Q. Disapproved?

25 A. Disapproved.

1 Q. Okay. So it's not disproved meaning --

2 A. No, no.

3 Q. -- they were false?

4 A. Disapproved.

5 Q. Disapproved?

6 A. Yeah, that's a typo on my part.

7 Q. All right.

8 A. Disapproved reports, that means that
9 something was wrong with them and they needed to be --
10 they were sent back to him to correct.

11 Q. Okay.

12 A. Yeah.

13 Q. So what was -- Like, if she's the sergeant
14 and she's looking at his reports in order to approve
15 them, what kind of stuff is she looking for?

16 A. Grammar. That was an accident report, so
17 she's looking for diagrams of the accident which I know
18 at that time they were having issues with the diagrams
19 with that new -- you know, the new report system that
20 we had. So they were having a lot of issues with that,
21 so that's what this all stemmed from is the -- him not
22 having a diagram on there. There was a lot of issues
23 with them.

24 Q. Okay. With him in his reports or everybody's
25 reports?

1 A. No. They were having issues across the board
2 in reference to that new program because they were
3 working out the kinks of it because it was new and
4 everybody had to be trained on it. It just was not
5 picking up diagrams.

6 Q. Okay. I think I'm almost done. Let me just
7 check my notes. Okay?

8 A. I hope so. My stomach's growling.

9 Q. You ready to eat some lunch? I guess so.
10 It's 1:30, huh?

11 A. I got to head back to the city because I got
12 to see what's going on.

13 MS. MILLER: I think that is all I have,
14 and I will let Mr. Bennett ask you any questions
15 he has.

16 MR. BENNETT: I just have just a couple of
17 follow-up questions.

18 EXAMINATION

19 BY MR. BENNETT:

20 Q. You walked through a timeline of what your
21 investigation was related to the IA investigation
22 regarding our complaint here, Exhibit 2, the 20-03 IA.
23 You kind of walked us through a timeline of what you
24 did. And if I heard you correctly, you said March 1st,
25 of course, was the incident date, and then March 2nd

1 you got a statement from Mays; correct?

2 A. Uh-huh.

3 Q. And then it appears that on -- sometime
4 around March 5th, you were trying to get in contact
5 with Mr. Early?

6 A. Uh-huh.

7 Q. Okay.

8 MS. MILLER: Yes?

9 THE WITNESS: Yes.

10 BY MR. BENNETT:

11 Q. Okay. Do you remember at what time you would
12 have looked over and reviewed the body cam video?

13 A. I probably looked at it immediately just to
14 take a look at the camera. Because when I have these
15 complaints that come, I normally try to look at the
16 camera just to get a feel of what happened.

17 Q. Do you --

18 A. But I can't honestly tell you when I did. I
19 know I did at some point.

20 Q. Do you recall ever seeing any photos of the
21 scene?

22 A. No.

23 Q. Based on Exhibit 2, did you ever receive a
24 phone call or any communication from Mr. Early or his
25 attorney saying that they weren't going to speak with

1 you?

2 A. I had an interview set up with Ms. Early's --
3 with Mr. Early's mom at their house. I actually drove
4 out to the house, and our -- we were supposed to meet
5 at 11:00 o'clock that morning. I got there at 10:40.

6 I gave Ms. Early a call and advised her
7 that I was sitting outside waiting, and that's when
8 she told me that her attorney advised him not to
9 speak with me at this time. Then I said okay. And I
10 think about 15 minutes later I got a call from the
11 attorney, and she let me know that once he's -- you
12 know, once he -- she's had time to talk to him that
13 she would make him available to me, but that never
14 happened, so.

15 Q. Was that -- And so that was the only time you
16 spoke to -- I believe it was Ms. Flat who was the
17 attorney; is that --

18 A. Yes, yes, Ms. Flat. And I never spoke to Mr.
19 Early, just the mom.

20 MR. BENNETT: That's all I have.

21 THE WITNESS: Thank you.

22 MS. MILLER: Thank you.

23 THE WITNESS: You're welcome.

24 (The deposition in the above-entitled
25 matter was concluded at approximately 1:32 p.m.)

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C E R T I F I C A T E

STATE OF GEORGIA)

COUNTY OF FAYETTE)

I, CHARLENE M. HANSARD, Certified Court Reporter, State of Georgia, do hereby certify that the foregoing pages were reported by me via speech recognition and reduced to print by me personally or under my direct supervision and is a true, complete and correct transcript of the aforesaid proceedings reported by me.

I further certify that I am not a relative, employee, attorney or counsel of any of the parties; that I am not a relative or employee of attorney or counsel for any of said parties; nor am I financially interested in the outcome of the action.

This certification is expressly withdrawn and denied upon the disassembly or photocopying of the foregoing transcript, unless said disassembly or photocopying is done by the undersigned certified court reporter and original signature and seal is attached thereto.

This the 18th day of November, 2022.



CHARLENE M. HANSARD, CCR, CVR-M

Certificate No. B-2341

Early, Dianti v. Mays, John (Officer)

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D I S C L O S U R E

I, Charlene M. Hansard, do hereby disclose pursuant to Article 10.B. of the Rules and Regulations of the Board of Court Reporting of the Judicial Council of Georgia that I was contacted by the party taking the proceedings to provide court reporting services for this proceeding and there is no contract that is prohibited by O.C.G.A. Section 15-14-37(a) and (b) or Article 7.C. of the Rules and Regulations of the Board for the taking of this proceeding.

There is no contract to provide reporting services between myself or any person with whom I have a principal and agency relationship nor any attorney at law in this action, party to this action, party having a financial interest in this action, or agent for an attorney at law in this action, party to this action, or party having a financial interest in this action. Any and all financial arrangements beyond my usual and customary rates have been disclosed and offered to all parties.

DATED: November 8, 2022.



CHARLENE M. HANSARD, CCR-B-2341

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1 To:

2 Matthew Bennett, Esq. mhb@bennettlawofficellc.com
3 Bennett Law Offices, LLC
4 1012 Memorial Drive
5 Suite 13
6 Griffin, Georgia 30223
(678) 688-3554
mhb@bennettlawofficellc.com

7 Re: Signature of Deponent

8 Date Errata due back at our offices: 30 days

9 Greetings:

10 The deponent has reserved the right to read and sign.
11 Please have the deponent review the attached PDF
12 transcript, noting any changes or corrections on the
13 attached PDF Errata. The deponent may fill out the
14 Errata electronically or print and fill out manually.
15 Once the Errata is signed by the deponent and
16 notarized, please mail it to the offices of Veritext
17 (below).

18 When the signed Errata is returned to us, we will
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20 the original transcript. We will also send copies of
21 the Errata to all ordering parties.

22 If the signed Errata is not returned within the time
23 above, the original transcript may be filed with the
24 court without the signature of the deponent.

25 Please send completed Errata to:

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Early, Dianti v. Mays, John (Officer)

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1 ERRATA FOR ASSIGNMENT #5571025

2 I, the undersigned, do hereby certify that I have
3 read the transcript of my testimony, and that

4 ____ There are no changes noted.

5 ____ The following changes are noted:

6 Pursuant to Rule 30(7)(e) of the Federal Rules of
7 Civil Procedure and/or OCGA 9-11-30(e), any changes
8 in form or substance which you desire to make to your
9 testimony shall be entered upon the deposition with a
10 statement of the reasons given for making them. To
11 assist you in making any such corrections, please use
12 the form below. If additional pages are necessary,
13 please furnish same and attach.

14 Page ____ Line ____ Change____

15 Reason for change _____

16 Page ____ Line ____ Change____

17 Reason for change _____

18 Page ____ Line ____ Change____

19 Reason for change _____

20 Page ____ Line ____ Change____

21 Reason for change _____

22 Page ____ Line ____ Change____

23 Reason for change _____
24
25

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1 Page _____ Line _____ Change_____

2 _____

3 Reason for change _____

4 Page _____ Line _____ Change_____

5 _____

6 Reason for change _____

7 Page _____ Line _____ Change_____

8 _____

9 Reason for change _____

10 Page _____ Line _____ Change_____

11 _____

12 Reason for change _____

13 Page _____ Line _____ Change_____

14 _____

15 Reason for change _____

16 Page _____ Line _____ Change_____

17 _____

18 Reason for change _____

19 _____

20 FRANCISCO CEDENO

21 Sworn to and subscribed

before me this ____ day

22 of _____, _____.

23 _____

24 NOTARY PUBLIC

25 My Commission Expires:_____

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[00816 - administered]

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Federal Rules of Civil Procedure

Rule 30

(e) Review By the Witness; Changes.

(1) Review; Statement of Changes. On request by the deponent or a party before the deposition is completed, the deponent must be allowed 30 days after being notified by the officer that the transcript or recording is available in which:

(A) to review the transcript or recording; and

(B) if there are changes in form or substance, to sign a statement listing the changes and the reasons for making them.

(2) Changes Indicated in the Officer's Certificate. The officer must note in the certificate prescribed by Rule 30(f)(1) whether a review was requested and, if so, must attach any changes the deponent makes during the 30-day period.

DISCLAIMER: THE FOREGOING FEDERAL PROCEDURE RULES ARE PROVIDED FOR INFORMATIONAL PURPOSES ONLY.

THE ABOVE RULES ARE CURRENT AS OF APRIL 1, 2019. PLEASE REFER TO THE APPLICABLE FEDERAL RULES OF CIVIL PROCEDURE FOR UP-TO-DATE INFORMATION.

VERITEXT LEGAL SOLUTIONS
COMPANY CERTIFICATE AND DISCLOSURE STATEMENT

Veritext Legal Solutions represents that the foregoing transcript is a true, correct and complete transcript of the colloquies, questions and answers as submitted by the court reporter. Veritext Legal Solutions further represents that the attached exhibits, if any, are true, correct and complete documents as submitted by the court reporter and/or attorneys in relation to this deposition and that the documents were processed in accordance with our litigation support and production standards.

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